REMARKS

This application was originally filed on 1 December 2000 with twenty claims, two of which were written in independent form. No claims have been allowed. Claims 7, 9, 12, and 16 have been amended in a non-narrowing manner to clarify what is being claimed and to correct punctuation errors.

Figures 2 and 5 were objected to for failing to state "Prior Art" in the case of Figure 2 and for including the reference character 516 in Figure 5. Figures 2 and 5 have been amended to overcome this objection.

Claims 7, 9, 12, and 16 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite, or objected to for informalities. The applicant thanks the Examiner and has amended Claims 7, 9, 12, and 16 to correct the issues pointed to by the Examiner.

Claim 1 was rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 5,892,851 to Nguyen ("Nguyen"). The applicant respectfully disagrees.

"A person shall be entitled to a patent unless," creates an initial presumption of patentability in favor of the applicant. 35 U.S.C. § 102. "We think the precise language of 35 U.S.C. § 102 that, "a person shall be entitled to a patent unless," concerning novelty and unobviousness, clearly places a burden of proof on the Patent Office which requires it to produce the factual basis for its rejection of an application under sections 102 and 103, see Graham and Adams." *In re Warner*, 379 F.2d 1011, 1016 (C.C.P.A. 1967) (referencing *Graham v. John Deere Co.*, 383 U.S. 1 (1966) and *United States v. Adams*, 383 U.S. 39 (1966)). "As adapted to *ex parte* procedure, *Graham* is interpreted as continuing to place the 'burden of proof on the Patent Office which requires it to produce the factual basis for its rejection of an application under sections 102 and 103'." *In re Piasecki*, 745 F.2d 1468 (Fed. Cir. 1984) (citing *In re Warner*, 379 F.2d at 1016).

"The prima facie case is a procedural tool which, as used in patent examination (as by courts in general), means not only that the evidence of the prior art would reasonably allow the conclusion the examiner seeks, but also that the prior art compels such a conclusion if the applicant produces no evidence or argument to rebut it." *In re Spada*, 911 F.2d 705, 708 n.3 (Fed. Cir. 1990).

The applicant respectfully submits the Examiner has failed to meet the burden of proof required to establish a *prima facie* case of anticipation. Section 2131 of the Manual of Patent Examiner's Procedure provides:

"'A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference.' *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053, (Fed. Cir. 1987). . . . 'The identical invention must be shown in as complete detail as contained in the . . . claim.' *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as in the claim under review . . . . *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990)."

Claim 1 recites, "simultaneously processing image data for at least two pixels in a row of pixels, said at least two pixels comprising a first group of pixels and a last pixel, said last pixel abutting a group of pixels to be processed next" and "propagating . . . a second portion of said error word for said last pixel to a pixel in said group of pixels to be processed next."

Nguyen states, "This invention proposes a method to achieve the parallelism of the error diffusion within an image row without sacrificing the quality of the output binary images. The method works by cutting each image row into a number of segments and error diffusing these segments in parallel. It utilizes two different error diffusion filters: the cut filter for the pixel just